

REMARKS

Reconsideration and further examination of this application is respectfully requested.

Claims 1-4, 6-13 and 15-20 and 34 were rejected under 35 USC § 102(e), as being anticipated by Chun-Yueh (US2003/0011219).

Independent Claim 1 has been amended to include a limitation to the anterior and posterior chassis support frames which are independently rotatably positionable about said arc of movement and can be rigidly held at more than one point within said arc.

Independent Claim 4 has been amended to include a limitation to the transverse brace that specifically states that the transverse brace is mounted between and rigidly joins the articulating connector pairs. Independent Claims 13 and 34 have been amended to include similar limitations.

Dependent Claims 5 and 14 have been amended to properly describe the original limitation in light of the amended limitations of Independent Claim 4 and 13 respectively.

No new matter has been added.

Chun-Yueh discloses a folding collapsible deck chair that includes a seat, a backrest and a footrest angle-adjustably hinged to front and rear sides of seat frame of the seat, and two stands hinged to the seat and adapted to support the seat on the floor, the stands each having two couplings pivoted to two ends of the front and rear side of the seat frame. These couplings each have a lug that limits the turning angle of the stands relative to the seat frame of the seat.

Currently amended independent claims 1, 4, 13 and 34 now clearly distinguish from the Chun-Yueh reference. The Chun-Yueh reference fails to disclose two distinct structural features of the present application. The first structural dissimilarity is the positioning stand that supports the central support chassis. Chun-Yueh discloses:

"[T]he stands 4 each have two couplings 40 respectively pivoted to two ends of the front or rear side of the seat frame 10 of the seat 1 at the bottom side. The couplings 40 each have a lug 41 that limits the turning angle of the respective stand 4 relative to the seat frame 10 of the seat 1. When extending out the stands 4, the lugs 41 of the couplings 40 are respectively stopped against the seat frame 10 of the seat 1 at the bottom side, and therefore the stands 4 are stopped in the extended position to support the extended folding collapsible deck

chair 100 stably on the floor. When not in use, the stands 4 are respectively turned inwards to move the respective couplings 40 away from the seat frame 10 of the seat 1, and then received within the area of the seat frame 10 of the seat 1 and closely attached to the bottom side of the seat 1."

Chun-Yueh is clearly a two position structure; fully extended, and fully closed. The Chun-Yueh reference fails to disclose a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said arc of movement of said articulating connector and are rigidly held at more than one point within said arc. In fact the couplings of Chun-Yueh are not rigidly held, even at the fully extended and fully closed positions. In each of these limit positions the Chun-Yueh couplings are held only in one direction (as a limit stop) with the device containing no means to prevent movement in the opposite direction.

In the present application the anterior and posterior chassis support frames allow the bathing and support device to be specifically adjusted in both height and angle orientation. This is particularly important to adapt the user to a bathing situation where the apparatus is placed in a bath tub filled with water and user is of limited mobility. It is therefore possible with the described embodiments of the present application to position a user at a particular height from the floor surface as well as orient them in a neutral, forward or supine position. This feature may also be used to allow precise positioning of the apparatus on an uneven or unlevel surface.

The second structural dissimilarity involves the transverse brace that is located between the left and right articulating connecting pair of the present application. The Chun-Yueh reference fails to disclose a transverse brace mounted between and rigidly joining said articulating connector pairs. This feature sets the distance of the chair width and removes lateral stress from being imposed upon the connecting points where the chassis support frames are received into the articulating connectors. Chun-Yueh does not disclose or teach such a feature in his specification and merely shows some type of leg strut or webbing feature in the drawings that connects the legs of the deck chair. Any structural function of this feature must be imparted to the stands, and transmitted over a distance before affecting the coupling. This is not the feature described in the present

application, and hence, amended Independent Claims 1, 4, 13 and 34 specifically differentiate from Chun-Yueh.

Independent Claim 12 originally contained the limitation that “each said articulating connector further comprising a superior and an inferior connecting tube, each said superior and inferior connecting tube comprising, a semi-cylindrical articulating connecting receiver with a proximal pivot end fixed within said articulating connector and a distal engagement end for receiving a member that articulates in a single plane arc of movement of less than 180 degrees that are rigidly held at more than one point within said arc”, and hence, specifically differentiates from Chun-Yueh.

Claims 24-33 were rejected under 35 USC § 103(a), as being unpatentable over Chun-Yueh. The Examiner contends that Chun-Yueh shows all of the teachings of the claimed invention, and that consequently the method steps would have been incorporated in the use of the invention.

Independent Claims 24 and 29 have been amended to include a limitation to the transverse brace that specifically states that the transverse brace is mounted between and rigidly joins the articulating connector pairs.

Independent Claims 28 and 33 have been amended to include a limitation to the anterior and posterior chassis support frames which are independently rotatably positionable about said arc of movement and are rigidly held at more than one point within said arc. It is clear from the aforementioned arguments that Chun-Yueh does not show all of the teachings of the claimed invention and particularly fails to disclose any method of customization of the apparatus as now claimed. Hence, amended independent Claims 24, 28, 29, and 33 specifically differentiate from the Chun-Yueh.

In view of the above, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 13th day of November 2006.

Respectfully submitted,

By:



Paul M. Thompson
Registration No. 52,286
Cochran Freund & Young LLC
2026 Caribou Drive, Suite 201
Fort Collins, CO 80525

Phone: (970) 492-1100
Fax: (970) 492-1101
Customer No.: 27479